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I hereby certify that, on the date indicated below, this correspondence was
faxed to Commissioner for Patents, at (703) 872-9300

By: 

Date: 5/4/04

OFFICIAL

In the United States Patent & Trademark Office

Docket No. LEAPS-C4

Applicants: M. Seul

Group Art Unit: 1641

Examiner: P. Do

Serial No.: 09/690,040

Filed: 10/17/2000

For: Light-controlled electrokinetic
assembly of particles near surfaces

Petition under MPEP 1306.2 for Simultaneous Issue of Patent

Commissioner for Patents
PO BOX 1450
Alexandria VA 22313-1450

Dear Sir:

Please charge the fee associated with this petition to Deposit Account No.
502088.

On Sept. 18, 2003, under MPEP 1306.2 Applicant submitted, by fax, a Petition
for Simultaneous Issue of Patent. At that time, Applicant believed that the issue fee had
been paid earlier, by mail. Apparently, although the issue fee had been properly sent by
first class mail, it had not been received by the PTO. With the Petition sent by fax on
Sept. 18, 2003, the issue fee transmittal was again attached. However, this fax was also
apparently not received by the PTO.

05/20/2004 MULLARI 00000002 502088 09690040

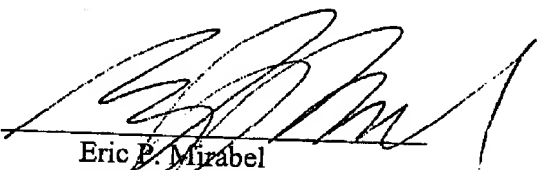
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On March 1, 2004, Applicant re-faxed the Petition and Issue fee Transmittal directly to SPE Long Le. This time, the issue fee transmittal was received, and it has been paid. Along with the Issue fee transmittal, Applicant also submitted the Petition of Sept. 18, 2003. Applicant has a serious need to have the application allowed immediately, and that need is more urgent now than it was in September 2003, when the petition was first submitted. Accordingly, Applicant petitions for the issuance of the patent, in accordance with MPEP 1306.2.

It is noted that, in accordance with MPEP 1306.2, this petition was properly submitted at the time the issue fee transmittal was sent to Long Le (March 1, 2004). Because it was sent with the issue fee transmittal which was received and entered, it was submitted in accordance with the rules, and therefore it should be allowed, especially in view of the added delay Applicant has been subjected to by the PTO's loss of the issue fee transmittal twice. Had that not occurred, the patent would have already been issued. Accordingly, Applicant petitions to have the patent issue immediately.

Respectfully Submitted,

BY


Eric P. Mirabel
Reg. No. 31,211
Bioarray Solutions, Ltd.
35 Technology Drive
Warren NJ 07059
(908) 226 8200 (ext 203)

The Commissioner is hereby authorized to charge any fees due in connection with this submission and not otherwise covered by payment included herewith, or to credit any overpayment, to Deposit Account No. 502088.